

United States District Court

for the

Western District of New York

United States of America

v.

Case No. 22-MJ-- 662

JOSEPH AMICO

Defendant

CRIMINAL COMPLAINT

I, NICHOLAS MAZZOLA, the complainant in this case, state that the following is true to the best of my knowledge and belief that in the Western District of New York, the defendant violated offenses described as follows:

Beginning in or about February, 2022 and through to the present, in the Western District of New York and elsewhere, the defendant, JOSEPH AMICO violated 18 U.S.C. §§ 2261A(2)(A) and 2261A(2)(B), offenses described as follows:

The defendant, with the intent to kill, injure, harass, intimidate or place under surveillance with the intent to kill, injure, harass or intimidate, engaged in conduct and used an interactive computer service or electronic communication system of interstate commerce, or any other facility of interstate or foreign commerce to engage in a course of conduct; that caused, attempted to cause or would be reasonably expected to have caused substantial emotional distress to another person, in violation of Title 18, United States Code, Sections 2261A(2)(A) and 2261A(2)(B),

SEE ATTACHED AFFIDAVIT OF TASK FORCE OFFICER NICHOLAS MAZZOLA, FBI.

This Criminal Complaint is based on these facts:

☒ Continued on the attached sheet.

Affidavit and Criminal Complaint submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me as true and accurate telephonically pursuant to Fed.R.Crim. P. 4.1 and 4(d) on:

Date: August 22, 2022

City and State: Rochester, New York


Complainant's signature

NICHOLAS MAZZOLA, Task Force Officer, FBI
Printed name and title


Judge's signature

MARK W. PEDERSEN
UNITED STATES MAGISTRATE JUDGE
Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

STATE OF NEW YORK)
COUNTY OF MONROE) SS:
CITY OF ROCHESTER)

I, NICHOLAS MAZZOLA, being duly sworn, depose and state the following:

1. I am a police investigator employed by the Rochester Police Department and have been assigned as a Task Force Officer on the FBI Cyber Squad, Buffalo Division, in Rochester, NY since January, 2019. I have been a police officer since 1994, an investigator since 2003, and was assigned to the Major Crimes Unit from January, 2011 to December, 2018. I have attended numerous courses in criminal investigations, and have had the opportunity to conduct, coordinate and or participate in a number of successful investigations involving burglaries, robberies, weapons possession, assaults, larcenies, cyber and economic crimes, child pornography/ exploitation, and homicides, and have interviewed hundreds of defendants, victims, witnesses and others who have been involved in such offenses.

2. I make this affidavit in support of a criminal complaint charging Joseph AMICO, with violations of Title 18, United States Code, Section 2261A(2)(A) and 2261A(2)(B) (Cyber Stalking and Stalking-Cause Substantial Emotional Distress).

3. All information contained in this affidavit is either personally known by me or has been related to me by other law enforcement agents. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation.

Victim One

4. On or about mid-February, 2022 I was contacted by Investigator Chris Soprano of the Irondequoit Police Department, Irondequoit, NY and notified of an investigation he was working pertaining to a possible cyber stalking campaign being executed against victim A.D., a Sergeant with the Rochester Police Department. In sum, A.D. called 911 after receiving a series of calls and texts on his personal cell phone 585-750-xxxx on February 7, 2022 at about 6:45 pm from unknown phone number 585-365- XXXX. The text message read, "what shift you work tomorrow." Following the initial text, A.D. received an additional 7-8 calls from the same number. A.D. spoke with an unknown male several times. During each call, the same male was on the phone. The male told A.D. that he put his hands on a "made man's son" in the Monroe County Jail, who has friends on the west coast. The unknown male told A.D. his first and last name, as well as his personal address in the town of Irondequoit. The unknown male said he knew A.D. had a young son with a mohawk haircut. (Note: A.D. has a young son with a mohawk and has pictures of his son on social media). He said he was parked down the street from A.D.'s home address. The unknown male threatened to rape A.D.'s wife, who also lives at the same address in Irondequoit. He made additional threats to go A.D.'s house while A.D. was at work and "fuck" his wife. He also said he would go to A.D.'s house numerous times and do a "first amendment audit." The unknown male threatened to call Black Lives Matter to give them A.D.'s home address and would tell them A.D. made racist comments to inmates in the Monroe County Jail. A.D. received a second text from 585-365- XXXX, which read, "you were doxed." The unknown male refused to identify himself throughout the threatening calls.

5. The last threatening call came from number 585-653- XXXX on February 7, 2022 at 9:21 pm. It was the same unknown male on the phone. At that point, the Irondequoit

Police Department had already responded to A.D.'s address and answered the phone. The unknown male continued to be belligerent and obscene on the phone, continually referring to A.D. He said he had no problem going to A.D.'s house to exercise his first amendment rights. The unknown male said he was a member of the media and would film the location as well as the officers at the scene. The unknown male said he was Italian and that they needed to stick together. He still refused to identify himself.

6. The unknown male left one voice message on A.D.'s voicemail, which was consistent with the obscene language he used during the other calls. The message said, "Hey pencil dick whats good buddy. How you doing man. Hope you have fun at work tonight brah (laughing). Its all good no hard feelings though.. Hey, just so you know, a bunch of little niggers are running around putting your fucking address and your phone number all over the fucking jail, stupid. Saying that you're calling people niggers in the jail so you might just, you know want to be a little careful there calling people niggers in the jail. Um you got a lot of fucking black people mad. That's how we got your number, so we like you we think you're pretty cool we're just giving you fair game dude. Be a little careful up in there, you know. Whatever you're doing you're pissing off the niggers."

7. Based on the actions of the unknown male, A.D. and his wife were both fearful for their family's safety and suffered from extreme emotional distress.

8. In all, A.D. received nine phone calls and two text messages from the unknown male from two different phone numbers, who contacted A.D. on his personal cell phone. On February 28, 2022, I spoke with A.D., who confirmed the above account of events.

9. Upon researching the suspect phone numbers 585-365- XXXX and 585-653- XXXX, it was learned they are Voice Over Internet Protocol (VoIP) numbers and not cell phone numbers, meaning there are no pingable/GPS or cell site location information. VoIP

numbers are often used by suspects involved in criminal activity to obfuscate their location and identity.

10. Information was obtained from Pinger, Inc, of 97 South 2nd St Suite 210, San Jose, CA 95113, that being the Service Provider for both suspect numbers 585-365-XXXX and 585-653- XXXX, which confirmed that the unknown male called and/or texted A.D. on February 7, 2022 from 6:45 pm to 9:21 pm a total of 11 times.

11. The phone number 585-365- XXXX was assigned to the name “Joseph” and was created on 02/07/2022 at 6:44 pm est. The IP address listed for the creation of the account was 70.180.232.164. The unknown male sent two texts and eight calls from 585-365-XXXX to A.D. All calls and texts from that number showed the same IP 70.180.232.164, that being the same IP used to create the account.

12. Per Pinger, Inc, the phone number 585-653- XXXX was also assigned the name “Joseph” and created on February 7, 2022 at 9:10 pm est. The IP address used to create the account was IP 70.180.232.164, that being the same IP address for the call made to A.D. at approximately 9:15 pm. The phone logs show that the suspect number only called one number other than A.D. on February 7, 2022, the other number being 585-396- XXXX.

13. Information received from Cox Communications in regards to I.P. address 70.180.232.164, the I.P. address used by both phone numbers used to call A.D., returned to Corazon Bautista of 7850 Flagler St, Las Vegas, NV 89139-5787, that being the home address of Joseph Amico DOB: 11/07/1970, who is on Probation for making terrorist threats. In addition to Amico’s listed address with Probation, Amico was arrested on 08/23/2017 at 1200 Brooks Ave in Rochester, NY. At that time, he provided the same Las Vegas address as above and listed his girlfriend’s name as Cora Bautista, along with a contact phone number of 702-625- XXXX.

14. On March 7, 2022, Webster Police Department Investigator Guercio met with K.E. at the Webster Police Department. Investigator Guercio played the voicemail recording left for A.D. She immediately identified the recorded voice message as the voice of Joseph AMICO. A.D. said she has known AMICO for about ten years and that they have a grandchild in common.

Victim Two

15. On March 1, 2022, Investigator Chris Soprano called phone number 585-396-xxxx and spoke with Ontario County Conflict Attorney P.C. Investigator Soprano asked if he had received any threatening calls on February 7, 2022. P.C. knew what Inv. Soprano was referring to and said he received threatening calls from a male named Joseph AMICO. P.C. said he represented a child named Z.E. in 2014, which was a custody case. Z.E. is the granddaughter of Joseph AMICO. AMICO currently lives in Las Vegas, Nevada. P.C. said AMICO has a long history of threatening judges, attorneys, and other public figures. He had been arrested for making terrorist threats to a lawyer in Manhattan. AMICO started to harass P.C. over the phone in 2017.

16. It was learned that P.C. had called 911 on February 7, 2022 to report harassing and menacing phone calls that occurred on that day. The calls occurred from 8:34 am to 10:05 pm. There were a total of ten calls, eight from a restricted number and two from 585-653- XXXX. P.C. said Joseph AMICO was a client of his father, B.C., years ago. P.C. spoke with the caller twice and the other eight calls went to voicemail, where messages were left for each call. The messages appeared to have all been left by the same individual. They were vulgar, harassing, and alarming. The messages revolved around insulting P.C., following his wife in public, and payback for what P.C.'s father did to the caller. The caller's first voice message said P.C. liked slapping girls in Canandaigua and said he should bring his

“bitch ass” to Las Vegas. The caller said Bruce, P.C.’s dad disrespected the caller’s son, so now the caller is going to “fuck” with Bruce’s son. Several quotes from the voice messages were as follows:

- “every time you take a shit I’m gonna stick your face in it”
- “I’m filming you, and I’m going to agitate the fuck out you and I’m gonna call you a punk wife beating bitch”...
- “faggot wife beater. We’re going to interview your children” to ask them what its like to see their “mommy cry when bitch slapped.” The caller continually calls P.C. a “little faggot” among other vulgar names.
- The caller said that everyone in Wayne County Jail is going to get P.C.’s home address and phone number, “you fucking faggot.” “Everyone is going to know that you’re a racist and like calling people niggers.”
- “go cry to Matt Tantillo cuz you see I already punked that little bitch”

17. P.C. answered the phone twice. The caller was very belligerent. P.C. asked the caller if it was “Joe.” The caller responded by saying, “who is Joe.” The caller continued to call P.C. a “little faggot” and made threats of following his wife in public. P.C. told the caller to stop calling, to have no contact with him, and then hung up. At 9:05 pm and 9:07 pm, P.C. received two additional calls from a restricted line, which he did not answer. Two voicemails were left by the same caller. At 9:11 pm, P.C. received a call from 585-653- XXXX, which he answered. It was the same caller yelling in the phone, so P.C. hung up again and disconnected his phone. Following the calls, P.C. received a Google review for his old job as a private practice attorney, which was posted by Vegas Valley Community Watch.

18. Both P.C. and his wife said they were concerned for their physical safety and suffered from severe emotional distress because of the content of the threatening calls and voicemails left by the caller.

19. Joseph AMICO had made threatening and harassing calls to another individual named K.E., who is the maternal grandmother to AMICO's granddaughter. On February 11, 2022, New York State Trooper Weston played K.E. the eight voice messages left for P.C. She identified Joseph AMICO as the caller on the first seven voice messages.

20. The Ontario County Sheriff's Office filed for a warrant of arrest on February 11, 2022 for aggravated harassment in the second degree, a class A Misdemeanor in violation of 240.30 (2) Of the Penal Law of the state of New York.

Victim Three

21. K.E.'s daughter (Kelsey Enright) was married to AMICO's son Andrew LaChiusa. They have two children in common. Kelsey and Andrew are currently divorced and have had an ongoing custody battle over their children. Since as early as 2014, K.E. has been receiving threatening calls and texts from Joe AMICO, that would be the year of birth for K.E.'s first grandchild Zoey. The calls and texts have been increasingly threatening over the years. K.E. has filed numerous criminal complaints against AMICO over the years. AMICO wasn't charged criminally in local court because he lives in Las Vegas and could not be extradited.

22. On May 12, 2021, K.E. called 911 to report that Joseph AMICO was repeatedly harassing and threatening her by calling and texting her phone. New York State Trooper Weston responded and spoke with K.E., who said that on May 12, 2021, she received voicemails and texts from AMICO, who called and texted from phone numbers

702-635- XXXX and 702-625- XXXX. She recognized the voice on the phone messages as that of Joe AMICO. K.E. said AMICO threatened to cyber stalk her by slandering her, her children, and anyone associated with her. AMICO indicated he would embarrass K.E. to the point that she would have to move. He called her and her children vulgar names repeatedly and threatened to post a sexual video of her daughter online. Shortly thereafter, K.E. was contacted by a friend who told her they saw a video on the internet of K.E.'s daughter performing oral sex on her ex-husband, as well as a picture of K.E's daughter with semen in her mouth. K.E. confirmed that both the video and photo exist. They were taken by Andrew LaChiusa when he was married to her daughter. K.E. has told AMICO repeatedly to stop contacting her in any way. She tried to block his number, but the messages would still go through to her voicemail. AMICO would also call from blocked phone numbers or voIP numbers. AMICO often alluded to his identity but stopped short of saying his name. Several excerpts from the voice messages are as follows:

- **5/12/2021 at 08:05 am from 702-635-XXXX**, "Good morning Kim, You know who this is. Your best friend out in Las Vegas. I warned you to leave my son alone. You should have listened."
- **05/12/2021 at 08:13 am from 702-635- XXXX**, "you're fucking stupid aren't you." AMICO referenced leaving his son alone and threatened to put embarrassing information about K.E. on YouTube. "...guess what bitch? It's about to go up on YouTube. You have no clue what I have on your stupid fucking ass. I'm about to make you, your gay fucking son, and your nasty ass fucking child abusing daughter look like the fucking true scum you are. I warned you...." AMICO called K.E., "a dumb fucking cunt."

- **05/12/2021 at 09:18 am from 702-635- XXXX**, "Damn that fat ass Danielle. You let your husband molest her.... This is going all over Youtube.... I'm fucking with you. You fucked with my son, now I'm playing with your children, Kimberly... your children are going all over Youtube..."

23. Several excerpts from the texts messages on 05/12/2021 are as follows:

- **09:52 am from 702-625- XXXX**, "Kimberly Enright is going up on YouTube.:)"
"Wait until you see YOUR Son and fat daughter on YouTube being shamed in front of thousands of people.:)"
- **09:53 am from 702-625- XXXX**, " I warned you not to harass my Son."
"Your fat nasty ass should have listened." "Now I'm in your nasty ass here to expose the shit out of you and there ain't a fucking thing you can do to stop it. :)"
- **09:54 am from 702-625- XXXX**, "Get ready for your MANY slanderous videos coming your way. LOL"
- **09:55 am from 702-625- XXXX**, "Your best friend with the hair salon is the FIRST to be shamed for doing business with a scum like you. Watch her Yelp reviews tank and her business get boycotted on YouTube for the racist remarks you and her were caught saying inside her hair salon." "Kim is a racist.:)"
- **09:56 am from 702-625- XXXX**, "Why do you and her like to call people Niggers? Multiple people are on record hearing the both of you say these things. LOL" "BLM will be forwarded all the YouTube videos of your home address and the racist remarks you were caught saying so they can protest you. LOL"
- **09:57 am from 702-625- XXXX**, "Let's play BNitch!!!"

24. I spoke with K.E. after reviewing the above messages. She said Amico completely fabricated all of the allegations he made in the texts and voice messages. Joseph Amico left more of the same threatening and alarming voice messages on K.E.'s cell phone in December, 2021, as well. Amico also tagged a video of his son assaulting a random person on the street.

25. The messages and conduct of Amico put K.E. in fear of physical harm and have left her suffering emotionally for the past several years.

Victim Four

26. M.T. was a former prosecutor in Wayne County, New York, who had prosecuted a male by the name of Andrew LaChiusa for a burglary that resulted in a plea conviction to criminal contempt. Andrew LaChiusa is the son of Joseph Amico. M.T. is currently employed as an attorney for the Yates County, New York Public Defender's Office. While working in Yates, M.T. was made aware by the police that Joseph Amico had been mentioning his name in threatening remarks made to other victims. M.T. was not aware of any messages that were left by Amico while he worked at the Wayne County District Attorney's Office.

27. M.T.'s first contact from Joseph Amico came from an email on 12/21/2021 at 10:23 am. The email came from "Joseph G" vegasvalleycommunitywatch@gmail.com. M.T. was aware that Joseph Amico uses the moniker, "Joe Genovese." The emails were sent to M.T.'s supervisor, S.H.'s email, that being shampsey@yatescounty.org and asked to be forwarded to M.T. The email depicts a man (not M.T.) in makeup, in part saying, "Hey Tranny, Little Girl. Or whatever type of Queer you are..... You are going up on YouTube you corrupt assclown. LOL Remember laughing off the evidence you tried to hide?" The email goes on to describe that M.T. and "that sleaze bag Barret," referring to the Wayne

County Judge that presided over Amico's son's trial, covered up evidence. The email said M.T. and his family would be doxxed with no expectation of privacy and cameras would be put in his face and put on the internet.

28. Information received from Google in regards to email vegasvalleycommunitywatch@gmail.com showed a login I.P. on November 13, 2021 as 70.180.232.164 (returning to Cox Communication Subscriber Corazon Bautista of 7850 Flagler St, Las Vegas, NV 89139-5787, that being the home address of Joseph Amico), recovery email of genoveserepairgroup@gmail.com, and a contact phone number of 702-625-3248 (that being the phone number provided by Joseph Amico during a 2017 arrest in Rochester, NY).

29. In January, 2022, M.T. began receiving calls and voice messages from Amico which were made to his work phone at Wayne County Public Defender's Office. The messages for M.T. were harassing and annoying in nature and occurred over several weeks. Amico would call M.T. names, such as "scumbag" and "faggot" and direct him to a website called www.waynecountynysleazebags.com. The initial calls made threats that he would come to M.T.'s office with cameras with additional threats to broadcast license plates. Security at the workplace had to be informed.

30. On February 8, 2022 at 8:31 am, M.T. received an email from vegasvalleycommunitywatch@gmail.com which continued with threatening behavior and vulgar name calling. At one point, the email reads, "1st amendment Audits are coming to you place of employment and personal home." M.T. said this was the first threat made by Amico to come to his home, which caused great alarm and emotional distress. The threatening phone calls continued after receiving the email. Amico left an additional 10 voicemails, not all of which were saved.

31. On or around March 18, 2022, a voicemail was received that indicated Amico or someone he worked with had been to M.T.'s home and observed his wife and young child. Amico went on to threaten to completely doxx M.T. and recited his home address on the voice message. Amico also threaten to release his home address to people he had prosecuted in Wayne County, some of which were violent offenders. In one of the voicemails, Amico indicated he was with his son, who he identified as Andrew and added that Andrew recently attacked someone, which was recorded and put on You Tube, which M.T. later confirmed. In this voice message, Amico briefly put Andrew on the phone, who said, "suck my dick." M.T. is aware of Amico's multiple prior arrests and convictions, including the incident involving Amico making terroristic threats to judges in New York. Amico's actions put M.T. and his family in fear of being physically attacked and fearful for their safety. The totality of Amico's messages and actions have also caused extreme emotional distress to M.T. and his family.

Victim five

32. On February, 7, 2022, R.H. called to 911 to report a series of harassing and annoying phone calls. R.H. works for the Wayne County Times newspaper. At about 9:30 am, R.H. received a phone call from a male he did not recognize. The male began to verbally abuse R.H. by calling him vulgar names, such as "scumbag" and "faggot." The caller accused R.H. of covering up an investigation of B.C. and began screaming that R.H.'s brother was a pedophile. He told the caller he had no idea what he was talking about and told him to stop calling. The threatening calls continued for at least two or three weeks.

33. R.H. and his wife P.H. run the Wayne County Times from their home, so they use their work phone number(s) as their personal lines as well. The primary line 315-986-XXXX gets forwarded to a secondary number, that being 315-986-XXXX if the first


line is busy. R.H. and P.H. received calls on both phones. He and his wife would block the numbers when they realized it was the suspect making threatening calls, but the suspect would then call from a different number. The suspect would sometimes act like someone calling the newspaper to report a legitimate complaint, only to begin yelling and screaming profanities at R.H. and P.H. The calls were always the same voice. There were at least twenty threatening and harassing calls, many of which were left on R.H.'s answering machine. Both R.H. and P.H. had to answer their phone because it was their work and livelihood, but both were afraid to answer for fear of being stalked and terrorized by the suspect. Six of the messages that were left by the suspect were saved.

34. On February 11, 2022, Trooper Weston met K.E. at the State Police barracks in Williamson, NY. While there, he played K.E. the six messages left on R.H.'s voicemail, which K.E. identified as the voice of Joseph Amico.

35. On June 16, 2022, I spoke with R.H. and his wife P.H., both of whom confirmed the account of events as provided during their initial 911 complaint made to the New York State Police. They became very concerned when the caller threatened to go to their personal address to start taking pictures of them. The caller would continually tell R.H. that he and his brother were pedophiles and that he posted same on his website, www.waynecountynysleazbags.com. The caller said he would ruin their lives because people on the internet believe everything he says. When I asked R.H. if there was any truth to the accusation of his brother or he being convicted pedophiles, R.H. said that was slanderous and a complete fabrication. He went on to say his brother was living in Arizona for the last 30 years until he died several years ago.

36. As a result of the ongoing threatening and harassing phone calls, both R.H. and P.H. said they've suffered from extreme emotional distress and fear for their physical safety.

WHEREFORE, based on the foregoing, I respectfully submit that there is probable cause to believe that Joseph AMICO did knowingly violate Title 18, United States Code, Sections 2261A(2)(A) and 2261A(2)(B).



NICHOLAS MAZZOLA
Task Force Officer
Federal Bureau of Investigation

Affidavit submitted electronically by email in .pdf format. Oath administered, and contents and signature attested to me as true and accurate telephonically pursuant to Fed. R. Crim. P. 4.1 and 4(d) on August 22, 2022.



MARK W. PEDERSEN
United States Magistrate Judge